

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2013050137

ORDER GRANTING DISTRICT'S
MOTION FOR CHANGE OF VENUE

On May 1, 2013, Parent on behalf of Student (Student) filed a request for due process hearing (complaint) naming as respondent the Santa Monica-Malibu Unified School District. A scheduling order issued on May 3, 2013 in which the due process hearing was scheduled to be held at District's office. A prehearing conference (PHC) was held on October 11, 2013. At the PHC, District's Attorney gave notice to the Administrative Law Judge (ALJ) and Student's Attorney that the currently scheduled venue was undergoing repairs and may not be suitable at the time of hearing. District agreed to give notice of the new hearing location if the originally scheduled venue was not available. A PHC order issued on October 11, 2013 scheduling the hearing for October 22-24 and 28-31, 2013 at District's office located at 1651 16th Street, Santa Monica, CA 90404. The PHC order also contained a note that the hearing venue was subject to change. Student did not object.

On October 17, 2013, District, filed a motion for change of venue because District's office was not available due to recent flood damage. District requests leave to change venue for the due process hearing to District's Facility Improvements Projects located at 2828 4th Street, Santa Monica, CA 90405.

Education Code section 56505, subdivision (b), provides that a special education due process hearing "shall be held at a time and place reasonably convenient to the parent or guardian and the pupil."

District has requested that the due process hearing in this matter be heard at District's Facility Improvements Projects office because District's main office is at full capacity and has no place for the hearing due to recent flood damage. The proposed venue is 2.67 miles from the District headquarters and 4.16 miles from Student's residence of record, which is reasonably convenient to Student. District has established good cause for a change in venue to a reasonably convenient hearing location.

ORDER

1. Good cause is established and District's motion to change venue is granted.

2. The Due process hearing will be held as follows: October 22-24 and 28-31, 2013 at District's Facility Improvements Projects office located at 2828 4th Street, Santa Monica, CA 90405. The hearing will commence at 10:00 a.m. on the first day of hearing, and at 9:30 a.m. on each day thereafter continuing from day to day at the discretion of the ALJ, unless otherwise ordered.

Dated: October 18, 2013

/s/

STELLA OWENS-MURRELL
Administrative Law Judge
Office of Administrative Hearings